

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OMEGA PATENTS, LLC,

Plaintiff,

v.

FIRSTECH, LLC,

Defendant.

C20-1344 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) On April 7, 2021, the parties filed a joint motion, docket no. 25, indicating that the Minute Order entered on February 10, 2021, docket no. 21, omitted a deadline for the parties to exchange lists of claim terms they seek to have the Court construe. The Court does not ordinarily set this deadline, instead relying on counsel to cooperate to provide each other the information necessary to timely exchange preliminary proposed constructions of disputed claim terms. The problem in this instance was not the omission of a deadline, but rather a miscalculation of the deadline for exchanging preliminary proposed constructions of disputed claim terms, which should have been May 17, 2021, instead of April 12, 2021. As a result of this scheduling error, the parties have requested a new trial date in July 2022, which the Court cannot accommodate. The Court will therefore further continue the trial date, and the parties' joint motion, docket no. 25, is hereby GRANTED as follows:

JURY TRIAL DATE (5 days)

September 26, 2022

Parties to exchange preliminary proposed constructions of
disputed claim terms and provide lists of proposed
extrinsic evidence

May 17, 2021

Joint Claim Chart and Prehearing Statement due

July 30, 2021

1	Parties to disclose reports from expert witnesses, if any,	July 30, 2021
2	regarding <u>Markman</u> issues	
3	Parties to disclose rebuttal expert reports, if any,	August 30, 2021
4	regarding <u>Markman</u> issues	
5	Deadline for completion of claim construction discovery	September 20, 2021
6	and for amending pleadings	
7	Opening claim construction briefs filed by	September 30, 2021
8	(and noted for the date that the responsive claim	
9	construction briefs are due)	
10	Responsive claim construction briefs filed by	October 15, 2021
11		
12	If a claim construction (Markman) hearing is necessary,	
13	one will be set upon at least 20 days' notice to the parties.	
14	Reports from expert witnesses under FRCP 26(a)(2) due	December 31, 2021
15	Rebuttal expert reports due	January 31, 2022
16	All discovery motions must be filed by	February 10, 2022
17	(and noted on the motion calendar no later than	
18	the third Friday thereafter)	
19	Discovery completed by	April 4, 2022
20	All dispositive motions must be filed by	May 5, 2022
21	(and noted on the motion calendar no later than	
22	the fourth Friday thereafter; <u>see</u> LCR 7(d))	
23	All motions related to expert witnesses filed by	May 12, 2022
24	(and noted on the motion calendar no later than	
25	the third Friday thereafter; <u>see</u> LCR 7(d))	
26	Mediation per LCR 39.1(c) ¹ to be held no later than	June 10, 2022
27	All motions <i>in limine</i> must be filed by	August 25, 2022
28	(and noted on the motion calendar for the Friday	
29	before the Pretrial Conference)	

¹ The Court finds this case appropriate for mediation under Local Civil Rule 39.1(c).

1 Agreed pretrial order due September 9, 2022

2 Trial briefs, proposed voir dire questions, proposed jury September 9, 2022
3 instructions, and trial exhibits due

4 Pretrial Conference at 10:00 a.m. on September 16, 2022

5 (2) The provisions of the Minute Order entered February 10, 2021, docket
6 no. 21, concerning any alteration of the case schedule and the need for counsel to be
7 prepared to commence trial on the date set, the agreed pretrial order² and the form of the
8 exhibit list to be included therein, the numbering of trial exhibits, and immediate
9 communication to the Court of any settlement remain in full force and effect.

10 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
11 record.

12 Dated this 8th day of April, 2021.

13 William M. McCool
14 Clerk

15 s/Gail Glass
16 Deputy Clerk

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22 ² The agreed pretrial order shall be filed in CM/ECF and shall also be attached (as a Word
23 compatible file) to an e-mail sent to the following address: ZillyOrders@wawd.uscourts.gov.